IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

Writ Petition No. 1024 (SS) of 2007

1. Pyar Singh, S/o Sri Dhan Singh, R/o Daski Gad Range, P.O.- Barathi Dharasu, District – Uttarakashi.
2. Keshab Singh, S/o Sri Kedar Singh, R/o Daski Gad Range, P.O.- Barathi Dharasu, District – Uttarakashi.

……..Petitioners.

Versus

1. State of Uttarakhand through Principal Secretary, Forest Department Government of Uttarakhand, Dehradun.
2. The Principal Chief Conservator of Forest, Uttarakhand , Rajpur Road, Dehradun.
3. The Chief Conservator of forest, Garhwal Region, 85, Rajpur Road, Dehradun.
4. Conservator of Forest, Bhagirathi Circle, Muni ki Reti, District – Tehri Garhwal.
5. Division Forest Division, Tehri Dam II, Forest Division, Kot Bangla, District – Tehri Uttarkashi.

……..Respondents

Hon’ble M.M. Ghildiyal, J

Heard Sri P.C. Jhingan, learned counsel for the petitioners and Sri Paresh Tripathi, learned counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, petitioners have prayed for the following reliefs

i. issue a writ, order, or direction in the nature of Mandamus commanding the respondents to pay the minimum wages fixed by Government Order dated 18.10.2005 communicated through letter of respondent no. 2 (Annexure no. 3).

ii. *issue a writ, order, or direction in the nature of Mandamus commanding the respondents to make payment of arrears of difference of minimum wage fixed by Government Order dated 18.10.2005 (Annexure no. 3).*

iii *Issue any other order or direction, which be deemed fit and proper under the facts and circumstances of the case in favour of the petitioners.*

iv. *Award costs of the writ petition to the petitioners.*

The stand of the petitioners is that they are unskilled labour in the forest Department and are working since long. Petitioners no. 1 and 2 are getting Rs. 1990 / - and Rs.2190 /- per month respectively.

The stand of the petitioners is that Principal Chief Conservator of Forest, Dehradun has issued a circular dated 14.12.2006 revising the minimum wages of unskilled labours in pursuance to the Notification dated 18.12.2005 issued by State Government that unskilled labour shall be paid Rs. 3030 /- per month in Hill areas and Rs. 2560 /- per month in Tarai Bhabar areas. In spite of this notification, petitioners are not getting wages at revised rate as stated above.

In these circumstances, I deem it fit and proper to direct the petitioners to make representation before concerned Divisional Forest Officer within a period of two weeks from today and the concerned Division Forest Officer is directed to take decision on the representation of the petitioners in accordance with law and Circular issued by Principal Chief Conservator of Forest, Dehradun dated 14.12.2006,within a

period of six weeks from the date of production of certified copy of this order along with representation.

With this direction, writ petition as well as stay application is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 07, 2007
SKS